

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

The United States of America and the States of)
North Carolina, California, Colorado,)
Delaware, Florida, Georgia, Illinois, Indiana,)
Iowa, Louisiana, Michigan, Minnesota, New) **CA No.: 9:14-cv-00230-RMG**
Jersey, New York, Tennessee, Texas, Virginia) (Consolidated with 9:11-cv-1593-RMG and
and Wisconsin, *ex rel.* Scarlett Lutz, Kayla) 9:15-cv-2485-RMG)
Webster, Dr. Michael Mayes and Chris Reidel,)
)
Plaintiffs,)
)
vs.)
)
Berkeley Heartlab, Inc., BlueWave Healthcare)
Consultants, Inc., Latonya Mallory, Floyd)
Calhoun Dent, III and Robert Bradford)
Johnson,)
)
Defendants.)
)
)

UNITED STATES' UNOPPOSED MOTION TO QUASH WRIT
OF GARNISHMENT AND TO CORRECT CLERICAL ERRORS

The United States respectfully moves this Court for two forms of relief related to the United States' Application for Prejudgment Remedies Against Defendants BlueWave Healthcare Consultants, Inc., Floyd Calhoun Dent, III, and Robert Bradford Johnson (collectively, the "BlueWave Defendants") (hereinafter the "Federal Debt Collection Procedures Act, 28 U.S.C. § 3001, et seq., 'FDCPA' Application") (ECF No. 173). The BlueWave Defendants do not oppose this Motion.

First, pursuant to the Court's May 12, 2016 Order (ECF No. 310), the United States respectfully moves this Court for an entry of an order quashing prejudgment Writ of Attachment 54 (ECF No. 180 at 163-65). The United States did not seek to void the conveyance

of the property at 530 Lady Street in Columbia, South Carolina, as a fraudulent transfer under Subchapter D of the FDCPA. (ECF Nos. 173 at 45, 295 at 34). Thus, pursuant to the Court’s Order denying prejudgment relief on certain properties under Subchapter B of the FDCPA (Order at 18) (ECF No. 310), the United States now seeks to quash that particular Writ without prejudice to the United States. A proposed order is attached for the Court’s convenience. A Microsoft Word version of this order will be emailed to Chambers.

Second, pursuant to Fed. R. Civ. P. 60(a), the United States respectfully moves this Court, for corrected writs of attachment to correct a scrivener’s error in the address numbers for two parcels of real property. Rule 60(a) permits the court to correct a “clerical mistake,” Fed. R. Civ. P. 60(a), and is an appropriate vehicle to correct an “inadvertent error” made by a party that becomes part of an order or judgment. Am. Trucking Ass’ns v. Frisco Transp. Co., 358 U.S. 133, 146 (1958). Upon the filing of the Declaration of Christina M. Dent In Support of Her Motion, and the Motion of Lakelin Pines, LLC, and Trini “D” Island, LLC, to Dissolve Certain Government Prejudgment Levies (ECF No. 278-8), the United States discovered that two of the proposed writs of attachment requested in the FDCPA Application (ECF No. 178) mistakenly had the incorrect address listed for Writs 59 (ECF No. 180 at 178-80) and 60 (ECF No. 180 at 181-83), as stated in the United States’ Omnibus Response to Motions to Quash Prejudgment Writs (ECF No. 295 at 31 n.22). The two Writs at issue correctly provide the lot number as well as legal description but the address numbers are incorrect. These incorrect address numbers were incorporated into the two writs of attachment. (ECF No. 180 at 178-83). Specifically:

- The property described in Writ 59 (ECF No. 180 at 178-80) located at Lot 5, TIN 003214-01-005 in Panorama Point in Lexington County, South Carolina, is 640 Panorama Point (and not 631 Panorama Point).
- The property described in Writ 60 (ECF No. 180 at 181-83) located at Lot 6, TIN 003214-01-006 in Panorama Point in Lexington County, South Carolina, is 631

Panorama Point (and not 640 Panorama Point).

Proposed corrected writs of attachment are attached hereto as exhibits. The proposed writ at Exhibit 1 is intended to supersede Writ 59 and the proposed writ at Exhibit 2 is intended to supersede Writ 60.

For the foregoing reasons, the United States respectfully requests that this Court quash Writ of Attachment 54 and also to issue corrected Writs of Attachment for Writs 59-60.

Respectfully submitted,

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May 25, 2016

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